

**Remarks**

Claims 50, 61-69 have been cancelled and replaced with new claim 106 which is the alternative embodiment shown in Fig 32 of the disclosure. Claim 52 replaces "lower" with "footward" for clarity.

**Applicant pro se Response to Office Action 35 U.S.C. 102 (b) Rejection;** Claims 50-103, and 102 have been rejected under 35 USC 102 (b) as being anticipated by Peck (US 4862529). It is the Examiner's position that the document discloses a multi-position reclining bed having the elements of the applicant's claimed bed. Applicant respectfully disagrees.

The wallhugger limitation of claimed 102 "said back section being coupled to said track section and configured to move an end portion thereof vertically in a vertical plane, such that when said back section is raised or lowered, said end portion remains substantially the same distance from an adjacent wall" clearly reads over Peck. Peck's back section not only pivots away from the wall or head end of the bed when raised, but also travels in the opposite footward direction from applicant, in order that his foot sections can drop below the horizontal plane of the bed. Peck's head edge, when elevated, ends at a linear distance 40%

towards the footward end of the initial length of the bed when elevated. The applicant's ends up at the same distance from the headward end of the bed when the back section is raised or lowered.

Clearly Peck does not have a wallhugger bed. Although he has a track, the track is used to move the bed footward in order to sit up, where as the applicant's bed moves headward to sit up. This demonstrates the novelty of the applicant's invention to sit up while still moving in the opposite direction to what Peck's structure shows, in that it requires the cantilever design feature of the legs and support frame in order for the leg sections to drop below the horizontal plane of the bed. Peck has to move his supporting elements or deck footward so that when the bed is in the sit up position it will clear his support frame 10. If he did not move the deck headwards when the deck is in a horizontal position, the entire bed would be unstable for rolling in the longitudinal axis, especial if someone sat on the foot end of the bed, because the foot end wheels would be too far headward from the foot edge of the bed. The applicant's bed is stable in the longitudinal axis even though the deck moves footward, rather than headward, when in the horizontal position due to the cantilever legs and frame.

The applicant uses the novel method of the tilting the buttocks section upwards creating clearance to allow the coplanar leg sections to drop below the horizontal plane, rather than Peck's high elevation of the deck

as well folding the leg support elements 35 and 27 to allow the leg sections to drop below horizontal. This "high elevation of the deck" height difference would be evident if Peck had a mattress on the bed. Scaling of Peck's Fig 2 has a 200mm length to 85 mm height to the deck. If the length of the bed is the standard 80 inches, the estimated height to the deck would be 34 inches from the floor when raised and in a horizontal position, whereas applicant's is 15". This height is not for sleeping purposes but for medical attention at table height from the floor.

The applicant's claimed limitation "said back section being coupled to said track section" is not shown by Peck as he has separate piston rod 48 moving back panel 31 where "an extension of piston rod 48 will cause the link 49 to push upon pin 50, thereby rotating the bracket 51 and panel 31. Thus, through the actuation of the piston and cylinder 45, conventional head panel operation is obtained and through the actuation of the piston and cylinder 70". And "A centrally mounted double-acting piston and cylinder 40 is connected between the fixed frame 15 and the retracting frame 25." thus using a separate actuator to move the retracting frame 25 or carriage. The applicant lifts the back section and moves the carriage with the same actuator and in the opposite direction.

Buttocks tilt is necessary for the bed to be comfortable to sit on in order to carry the upper body on the lower portion of the person's thighs, which cause their spine to naturally arch. Peck's sitting of Fig 3 has the

buttocks horizontal. Peck does not have a buttocks tilting section (supporting element). Applicant's limitation of "said supporting elements pivotably connected to each other at abutting edges" distinguishes structurally over Peck since his section 30 remains horizontal and does not pivot about the other abutting sections. The applicant's supporting elements all pivot into non-horizontal angles at their abutting edges about each other. As well Peck has 5 supporting elements and the applicant has 4, and Peck has 2 sections to form the buttocks supporting element whereas the applicant has one section that locks coplanar when lowered below the horizontal plane. Peck has one of his supporting elements 37 that tilts horizontal for a foot rest, whereas applicant has a separate foot rest mechanism. Peck does not show a mattress and his invention should be considered a wheel chair or operating table rather than a bed. Peck's foot rest would significantly shorten his bed if a thin 8 inch mattress was added to the bed, and it would be very difficult for him to bend the mattress to 90 degrees without a significant portion of mattress for levering the bend.

**A structural summary shows the many differences;**

- 1. Peck has a nonwallhugger, applicant has a wallhugger bed**
- 2. Peck's deck moves footward in order to sit up; where as the applicant's bed moves headward to sit up.**
- 3. Peck has to move his supporting elements or deck footward so that when the bed is in the sit up position it will clear his support frame 10; applicant has a cantilever design feature of the legs and support frame in order for the leg sections to drop below the horizontal plane of the bed.**
- 4. Peck folds the leg support elements to allow the leg sections to drop below horizontal: the applicant tilts the buttocks section to provide clearance to allow the coplanar leg sections to drop below the horizontal plane.**
- 5. Peck does not show a mattress and his invention should be considered a wheel chair or operating table; the applicant has a bed with separate mattress.**
- 6. Peck's bed height from the floor to the deck would be 34 inches when raised and in a horizontal position; applicant's is 15".**
- 7. Peck's sit up position has the buttocks horizontal and does not have a buttocks tilting section; applicant has an independently motorized buttocks tilt section.**
- 8. Peck has an extra supporting element 30, remains horizontal and does not pivot about the other abutting sections; the applicant's supporting**

elements all pivot into non-horizontal angles at their abutting edges about each other.

9. Peck has 5 supporting elements; the applicant has 4.

10. Peck has 2 sections to support the buttocks; the applicant has one section.

11. Peck has one of his supporting elements 37 that tilts horizontal for a foot rest; applicant has a separate foot rest mechanism.

**SUMMARY**

Applicant has amended the claims to overcome the Objections of the examiner, and presented arguments to delineate the present invention from the device shown in the prior art. It is respectfully submitted that the claims are in condition for allowance, such action is respectfully requested. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,



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